



DOUGLAS A. DUCEY
GOVERNOR

STATE OF ARIZONA
OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

April 11, 2019

The Honorable Katie Hobbs
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

Dear Secretary Hobbs:

I am transmitting to you the following bills from the Fifty-fourth Legislature, 1st Regular Session, which I signed on April 11th, 2019:

H.B. 2008 duty to report; supervisor; administrator (Kavanagh)
H.B. 2053 competency evaluations; reports (J. Allen)
H.B. 2092 health care directives; definitions (Grantham)
H.B. 2107 municipalities; parking; public vehicles (Grantham)
H.B. 2137 workers' compensation; excess insurance policies (Biasiucci)
H.B. 2166 insurance; cost-sharing; calculation (Barto)
H.B. 2229 cable licensing; video service providers (J. Allen)
H.B. 2272 G&F; resident; definition (Dunn)
H.B. 2487 state veterans' homes (Lawrence)
H.B. 2695 funds; repeal (Udall)
H.B. 2721 town elected officials; term limits (Lawrence)
S.B. 1077 emergency medical services council; continuation (Brophy-McGee)
S.B. 1142 trust land fund monies; distributions (D. Farnsworth)
S.B. 1170 nonprescription drug permits; repeal (Carter)
S.B. 1184 schools; economics; personal financial management (S. Allen)
S.B. 1256 school districts; procurement practices; auditors (Gray)
S.B. 1346 school; assessments; instruction; reporting (S. Allen)

Sincerely,

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary

Chief Clerk of the House of Representatives
Arizona News Service

Senate Engrossed House Bill

FILED
KATIE HOBBS
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 75
HOUSE BILL 2166

AN ACT

AMENDING TITLE 20, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 20-1126; RELATING TO INSURANCE COST SHARING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 20, chapter 5, article 1, Arizona Revised
3 Statutes, is amended by adding section 20-1126, to read:

4 20-1126. Health care insurers; pharmacy benefits managers;
5 cost sharing; calculation; definitions

6 A. WHEN CALCULATING AN ENROLLEE'S CONTRIBUTION TO ANY OUT-OF-POCKET
7 MAXIMUM, DEDUCTIBLE, COPAYMENT, COINSURANCE OR OTHER APPLICABLE COST
8 SHARING REQUIREMENT, THE HEALTH CARE INSURER THAT PROVIDES PHARMACY
9 BENEFITS OR A PHARMACY BENEFITS MANAGER THAT ADMINISTERS PHARMACY BENEFITS
10 FOR A HEALTH CARE INSURER SHALL INCLUDE ANY COST SHARING AMOUNT PAID BY
11 EITHER THE ENROLLEE OR ANOTHER PERSON ON BEHALF OF THE ENROLLEE FOR A
12 PRESCRIPTION DRUG THAT IS EITHER:

13 1. WITHOUT A GENERIC EQUIVALENT.

14 2. WITH A GENERIC EQUIVALENT WHERE THE ENROLLEE HAS OBTAINED ACCESS
15 TO THE PRESCRIPTION DRUG THROUGH ANY OF THE FOLLOWING:

16 (a) PRIOR AUTHORIZATION.

17 (b) A STEP THERAPY PROTOCOL.

18 (c) THE HEALTH CARE INSURER'S EXCEPTIONS AND APPEALS PROCESS.

19 B. FOR THE PURPOSES OF THIS SECTION:

20 1. "GENERIC EQUIVALENT":

21 (a) MEANS A DRUG THAT HAS AN IDENTICAL AMOUNT OF THE SAME ACTIVE
22 CHEMICAL INGREDIENTS IN THE SAME DOSAGE FORM, THAT MEETS APPLICABLE
23 STANDARDS OF STRENGTH, QUALITY AND PURITY ACCORDING TO THE UNITED STATES
24 PHARMACOPEIA OR OTHER NATIONALLY RECOGNIZED COMPENDIUM AND THAT, IF
25 ADMINISTERED IN THE SAME AMOUNTS, WILL PROVIDE COMPARABLE THERAPEUTIC
26 EFFECTS.

27 (b) DOES NOT INCLUDE A DRUG THAT IS LISTED BY THE UNITED STATES
28 FOOD AND DRUG ADMINISTRATION AS HAVING UNRESOLVED BIOEQUIVALENCE CONCERNS
29 ACCORDING TO THE ADMINISTRATION'S MOST RECENT PUBLICATION OF APPROVED DRUG
30 PRODUCTS WITH THERAPEUTIC EQUIVALENCE EVALUATIONS.

31 2. "HEALTH CARE INSURER" HAS THE SAME MEANING PRESCRIBED IN SECTION
32 20-1379.

33 Sec. 2. Effective date

34 Section 20-1126, Arizona Revised Statutes, as added by this act, is
35 effective from and after December 31, 2019.

APPROVED BY THE GOVERNOR APRIL 11, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2019.

Passed the House March 4, 20 19

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

W. R. Blaine
Speaker of the House

☒ Pro Tempore

Jim Drake
Chief Clerk of the House

Passed the Senate April 8, 20 19

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Karen Farn
President of the Senate

Susan Owens
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

~~_____ day of _____, 20____~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

Approved this _____ day of

~~_____~~

~~at _____ o'clock _____ M.~~

~~_____~~

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

~~this _____ day of _____, 20____~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary of State~~

H.B. 2166

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 9, 2019,

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

B. Bowers
Speaker of the House

Jim Drake
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

9th day of April, 2019,

at 4:31 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 11th day of

April, 2019,

at 10:58 o'clock A M.

[Signature]
Governor of Arizona

H.B. 2166

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 11 day of April, 2019,

at 4:55 o'clock P M.

[Signature]
Secretary of State